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August 31, 2010

Via ECF

Honorable Lois Goodman, U.S.M.J.
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08609

So Ordered this 3rd day
of September 20 10

A handwritten signature in black ink, appearing to be "Richard E. Barber", written over a horizontal line.

Re: *Howard R. Lay and Joanne Lay v. Modell's Sporting Goods, et al.*
Civil Action No.: 3:09-CV-04009
Our File No.: 348-1026

Dear Judge Goodman:

This firm represents defendant/third-party plaintiff SPARQ Products, Inc. i/s/a "SPARQ, Inc." ("SPARQ") and defendant Nike, Inc. As you may recall, SPARQ has commenced a third-party action against the product manufacturer, Wellpower Sports, based in Hong Kong ("Wellpower"). Pursuant to Your Honor's Order, dated August 6, 2010, the following will serve as an update on the status of service upon Wellpower.

On July 30, 2010, Calvin Chan of the Hong Kong authority wrote to the undersigned to advise that our request for service was "processing." See Exhibit "A." On August 18, 2010, I wrote to Mr. Chan to once again inquire as to the status of service upon Wellpower. See id.

On August 19, 2010, Mr. Chan advised that the bailiff of Hong Kong's High Court was attempting to serve Wellpower. Mr. Chan further wrote that he would advise when service was complete. See Exhibit "B."

We have not yet received confirmation that service has been effectuated. We continue to diligently pursue this issue with the Hong Kong authority and will immediately advise your Honor once service is complete.

Accordingly, it is respectfully requested that SPARQ be permitted to provide a further update to the court by September 30, 2010.

Thank you for Your Honor's time and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Barber', with a stylized flourish at the end.

Richard E. Barber
Haworth Coleman & Gerstman, LLC

Enc.

cc: Via ECF w/enc.

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